

PROCEEDINGS/MINUTES OF CITY COUNCIL

...May 11, 2016...

Council convened at 2:19 p.m., Mayor John Cranley, Presiding. Present were Councilmembers Flynn, Mann, Murray, Seelbach, Simpson, Sittenfeld, Smitherman, Winburn and Young.

Also in attendance were City Manager Harry Black, City Solicitor Paula Boggs Muething and Clerk of Council Melissa Autry.

Council observed a moment of silent prayer and recited the Pledge of Allegiance to the Flag.

There being no objection, Minutes of the previous session of Council were ordered Filed.

Items on the Council Calendar and items presented By-Leaved were disposed of as follows:

MAYOR CRANLEY

Item #: 201600610

APPOINTMENT, submitted by Mayor John Cranley, subject to the consent of Council, I hereby recommend the appointment of Karen Osborne to the Citizen Complaint Authority.

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Status/Recommendations:

CONFIRM

\*\*\* CONFIRMED

MR. SMITHERMAN	Y
MR. WINBURN	A
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y

Item #: 201600644

RESOLUTION, submitted by Mayor John Cranley, EXPRESSING support for recognition by the City Administration and the Cincinnati Police Department of the personal identification cards issued to individuals in the community by the Metropolitan Area Religious Coalition of Cincinnati.

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Status/Recommendations:

PASS

\*\*\* PASSED 0023-2016

MR. SMITHERMAN	R
MR. WINBURN	R
MR. YOUNG	Y
MR. FLYNN	R
MR. MANN	Y
MS. MURRAY	N
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y

MS. SIMPSON  
MR. SEELBACH  
MR. YOUNG  
MR. SITTENFELD  
MR. MANN

Item #: 201600638

MOTION, submitted by Councilmembers Simpson, Seelbach, Young, Sittenfeld and Vice Mayor Mann, WE MOVE that the administration adopt the following, city focused recommendations made by the Violence Prevention Working Group in its presentation to the Human Services, Youth and Arts Committee on April 18, 2016: Include \$250,000 for Violence Prevention in the Human Services Fund as part of the FY2017 Budget, to be matched by a one-time contribution by private sources for at total of \$500,000 in the initial year; and Appoint a representative from the Cincinnati Police Department to the Human Services Advisory Committee.  
(STATEMENT ATTACHED)

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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MR. SITTENFELD

Item #: 201600646

RESOLUTION, submitted by Councilmember P.G. Sittenfeld, URGING the members of the United States Senate to discharge their constitutional duty to advise and consent on the nomination of Judge Merrick Garland to the United States Supreme Court by the President of the United States

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Status/Recommendations:

PASSED

\*\*\* PASSED 0024-2016

MR. SMITHERMAN	R
MR. WINBURN	A
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	R
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y

CITY MANAGER

Item #: 201600523

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 4/20/2016, authorizing the City Manager to enter into a Loan Agreement with Arden Real Estate Holding Company and the Cincinnati Shakespeare Company pursuant to which the City will make a forgivable loan of up to \$200,000 to the borrowers to help pay for acquisition costs for property located at 217 West Twelfth Street in the Over-the-Rhine neighborhood of Cincinnati, which will be developed into a performing arts theatre, education center, and administrative office to serve

as the new home of the Cincinnati Shakespeare Company.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201600612

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/11/2016, establishing the 2017 Urban Forestry Program Assessment Equalization Board, appointing three members thereto, and setting the time and place for hearings.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201600633

ORDINANCE submitted by Harry Black, City Manager, on 5/11/2016, authorizing the transfer of and return to source, Street Improvement Bond Fund 858, the sum of \$219,575.45 from capital improvement program project account no.

980x233x152373, "Madison/Kenwood RR Bridge"; and further AUTHORIZING the transfer and appropriation of the sum of \$206,575.45 from the unappropriated surplus of Street Improvement Bond Fund 858, to capital improvement program project account no. 980x233x11330, "Uptown Access Improvements West MLK Dr." for the purpose of providing resources for construction management of the West Martin Luther King Drive Street Improvement.

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Status/Recommendations:

BUDGET AND FINANCE COMMITTEE

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Item #: 201600636

ORDINANCE submitted by Harry Black, City Manager, on 5/11/2016, designating the First National Bank Building located at 105 East Fourth Street in the Central Business District as a historic landmark.

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Status/Recommendations:

NEIGHBORHOODS COMMITTEE

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Item #: 201600595

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Clifton Business and Professional Association DBA Clifton Plaza, 333 Ludlow Avenue. (#1555536, New, F8) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600602

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, regarding Cincinnati Streetcar February 2016.

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Status/Recommendations:

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

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Item #: 201600611

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, regarding Special Event Permit Application for Cincinnati Juneteenth Festival.

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600614

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Walnut Hills Redevelopment Foundation DBA (Not Listed), 793 East McMillan Street. (#9376135, New, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600615

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Crown Building LLC DBA (Not Listed), 1739 Elm Street. (#1836253, New, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600616

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Memorial Hall Operations LLC DBA Memorial Hall, 1225 Elm Street. (#5829804, New, D5H) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600617

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 1737 Vine LLC DBA (Not Listed), 1737 Vine Street. (#8003495, New, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600618

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Fourth Street LLC DBA Atomic Number 10, 1536-1540 Race Street. (#28502000001, Transfer of Location, D5, D6) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600619

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for 1719 Elm Street DBA The Kitchen at Findlay Market, 1719 Elm Street. (#6548543, New, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600620

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Trevarren Flats 1 Master Tenant LLC DBA (Not Listed), 965 East McMillan Street, Suite C3. (#9045434, New, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600621

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Trevarren Flats 1 Master Tenant LLC DBA (Not Listed), 975 East McMillan Street, Suite C5. (#90454340005, New, D5J) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600622

REPORT, dated 5/11/2016, submitted by Harry Black, City Manager, on a communication from the State of Ohio, Division of Liquor Control, advising of a permit application for Thonawan LLC DBA (Not Listed), 2912-14 Wasson Road. (#8910865, Transfer of Ownership, D5, D6) [Objections: None]

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Status/Recommendations:

FILE

\*\*\* FILED

#### CLERK OF COUNCIL

Item #: 201600641

REGISTRATION, submitted by the Clerk of Council from Legislative Agent Charles H. Gerhardt, III, Consultant, President, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (Terrex Development and Construction)

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600642

REGISTRATION, submitted by the Clerk of Council from Legislative Agent J. Douglas Moormann, Consultant, Vice President, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (Terrex Development and Construction)

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600643

REGISTRATION, submitted by the Clerk of Council from Legislative Agent James T. Benedict, Consultant, Vice President, Government Strategies Group, LLC, 700 Walnut Street, Suite 450, Cincinnati, Ohio 45202. (Terrex Development and Construction)

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Status/Recommendations:

FILE

\*\*\* FILED

Item #: 201600640

STATEMENT, submitted by the Clerk of Council formally filing a copy of the Financial Disclosure Statement for David Mann, Vice Mayor.

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Status/Recommendations:

FILE

\*\*\* FILED

#### BUDGET AND FINANCE COMMITTEE

Item #: 201600370

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/23/2016, authorizing the City Manager to enter into a Loan Agreement with KB Partners,

LLC, for the City to provide an acquisition loan of up to \$315,000 for the vacant and deteriorated 18 unit multi-family property located at 2911 Price Avenue in the East Price Hill neighborhood of Cincinnati in order to renovate and restore the property to its original use as six townhomes.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0115-2016

MR. SMITHERMAN Y

MR. WINBURN A

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

MR. SITTENFELD Y

Item #: 201600372

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 3/23/2016, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Daffin Investments, Ohio, LLC, thereby authorizing an 8-year tax exemption for 100% of the value of the improvements made to real property located at 28-32 W. Court Street in the Central Business District in connection with the remodeling of the building on the property into residential and commercial space, which remodeling shall be completed at a total construction cost of approximately \$625,000.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0116-2016

MR. SMITHERMAN Y

MR. WINBURN A

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

MR. SITTENFELD Y

Item #: 201600591

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/4/2016, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement (LEED or Living Building Challenge) with Marlowe Court Limited Partnership, thereby authorizing a 15-year tax exemption for 100% of the value of the improvements made to real property located at 1610 Marlowe Ave in the College Hill neighborhood of Cincinnati in connection with the construction of a senior affordable living community and commercial or retail space located on such real property, which construction shall be completed in compliance with Leadership in Energy and Environmental Design Silver, Gold or Platinum standards or Living Building Challenge standards, in each case as more particularly specified in the agreement, at a total construction cost of approximately \$8,091,428.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0117-2016

MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	A
MS. SIMPSON	Y
MR. SITTENFELD	Y

Item #: 201600593

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/4/2016, authorizing the City Manager to execute a Property Sale and Development Agreement with Messer Realty XII, LLC, an affiliate of Messer, Inc., providing for (i) the sale for \$1.00 of approximately 1.1252 acres of land located at 904 Cutter Street in the West End neighborhood of Cincinnati, for the expansion of a development site for Messer's new corporate headquarters, (ii) the grant for \$1.00 of a permanent easement to the developer over a portion of the adjacent Cutter Street right-of-way, and (iii) a tax increment financing rebate pursuant to Ohio Revised Code Section 5709.41.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0118-2016

MR. SMITHERMAN	E
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y

Item #: 201600594

ORDINANCE (EMERGENCY) submitted by Harry Black, City Manager, on 5/4/2016, approving and authorizing the City Manager to execute a Community Reinvestment Area Tax Exemption Agreement with Borgman Properties, LLC, thereby authorizing an 8-year tax exemption for 100% of the value of the improvements made to real property located at 6250 Este Avenue in the Carthage neighborhood of Cincinnati in connection with the remodeling of the building on the property into commercial and office space, which remodeling shall be completed at a total construction cost of approximately \$78,000.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0119-2016

MR. SMITHERMAN	Y
MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y



Item #: 201600588

RESOLUTION, (EMERGENCY) (LEGISLATIVE) submitted by Harry Black, City Manager, on 5/4/2016, authorizing tax levies for the calendar year beginning January 1, 2017 and certifying them to the Hamilton County Auditor pursuant to R.C. § 5705.34 and requesting the County Auditor and County Treasurer to pay monies that may be in the County Treasury and are lawfully applicable to the purpose of this fiscal year to the City Treasurer pursuant to R.C. § 321.34.

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0025-2016

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG Y

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH Y

MS. SIMPSON Y

MR. SITTENFELD Y

TRANSPORTATION & REGIONAL COOPERATION COMMITTEE

Item #: 201600613

ORDINANCE, (EMERGENCY) submitted by Paula Boggs Muething, City Solicitor, on 5/06/2016, authorizing the City Manager to do all things necessary to cooperate with the Ohio Department of Transportation in order to complete the construction of the Elmore Connector Bridge in the South Cumminsville neighborhood, including entering into agreements with the Ohio Department of Transportation to provide the City's share of financing of up to \$310,000 for preliminary engineering, right-of-way acquisition and construction costs and to make available City-owned property necessary for the project and entering into any and all ancillary agreements and documents associated with the project. (B VERSION)

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Status/Recommendations:

PASS EMERGENCY

\*\*\* PASSED EMERGENCY 0120-2016

MR. SMITHERMAN Y

MR. WINBURN Y

MR. YOUNG N

MR. FLYNN Y

MR. MANN Y

MS. MURRAY Y

MR. SEELBACH N

MS. SIMPSON N

MR. SITTENFELD Y

Item #: 201600587

RESOLUTION submitted by Harry Black, City Manager, on 5/4/2016, declaring the intent to appropriate to public use property required for the Marburg Avenue Bridge Project.

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Status/Recommendations:

PASS

\*\*\* PASSED 0026-2016

MR. SMITHERMAN Y

MR. WINBURN	Y
MR. YOUNG	Y
MR. FLYNN	Y
MR. MANN	Y
MS. MURRAY	Y
MR. SEELBACH	Y
MS. SIMPSON	Y
MR. SITTENFELD	Y